

REMARKS

1. Preamble

The Office Action of July 10, 2008 (hereinafter, "OA"), rejects all active claims of the present invention ("Kaptelinin") as being unpatentable over US patent 6,803,930 ("Simonson").

2. Overcoming arguments for claim rejection

Simonson teaches an improvement of his invention: presenting the visual cue (when displaying a second portion B) after a time delay. OA suggests that it would have been obvious to combine Simonson's improvement (hereinafter, "SI") with presenting the cue *if* it is determined that the previously displayed portion A has been displayed for more than a predetermined amount of time. (OA, 5:15-20). As proposed in OA:

"...the time delay is implemented at the displaying of the first portion instead of the displaying of the second portion" (OA, 8:3-4).

Applicant respectfully disagrees. On the contrary:

- (a) It is **impossible** to implement the Simonson's teaching of time delay "at the displaying of the first portion instead of the displaying of the second portion" as proposed in OA (OA, 8:3-4).
- (b) The combining proposed in OA (the implementation of the delay) **directly contradicts** to the proposed motivation (avoiding the delay).
- (c) The combining proposed in OA **does not** include any subject matter of Simonson's improvement.

These arguments are presented in detail below.

A. Simonson's teaching of time delay cannot be "implemented at the displaying of the first portion".

OA proposes a "combining" of Simonson's improvement (the teaching of delay) with taking into account the display time of previously displayed portion:

“As proposed, the visual cue would be displayed **if the first portion has been displayed for more than a predetermined amount of time (i.e., time delay)**. <...> As the user scrolls to a second portion, the visual cue would be immediately displayed to the user without having to wait for a delay time. Thus **as proposed, the time delay is implemented at the displaying of the first portion instead at the displaying of the second portion.**” (OA, 7: 21-22, 8: 1-4, highlights added).

Applicant respectfully disagrees.

“Time delay” means putting off something to a later time, defer, or postpone. Instead of taking place at time T_1 , something takes place at a later time, $T_2 = T_1 + \Delta t$ (Δt being the amount of time delay). In the context of Simonson’s improvement “time delay” has a precise meaning: Instead of being displayed *immediately after scrolling* (at time T_1), the cue is displayed at a later time $T_2 = T_1 + \Delta t$, *after a time delay*, a predetermined amount of time, Δt . Therefore, to Simonson, time delay is *the time elapsed between the moment of scrolling to the second portion and the moment of displaying the cue*.

Applying this to the above OA quote reveals that the OA proposal above contains two incorrect statements.

First, displaying the visual cue in the second portion *if the first portion has been displayed for more than a predetermined amount of time* is **not a time delay**. The visual cue is *either presented* when displaying the second portion, *or not presented at all*. In neither case there is a time delay of displaying the visual cue.

(ADDITIONAL COMMENT: the only time “delay” here is the “delay” of displaying a second portion: the longer the user waits before scrolling to the second portion the more the displaying of the second portion is “delayed”. However, it is obvious that such “delay” is **completely irrelevant** to the combining proposed in OA. The “delay” is an inherent and unavoidable feature of any scrolling: it equally and indiscriminately applies to all types of scrolling, including Kaptelinin and Simonson, it does not depend in any way on a “predetermined amount of

time”, and it cannot be “implemented” in the sense of the combining proposed in OA).

Second, the *time delay implemented at displaying the second portion cannot be implemented instead at the displaying of the first portion*, as suggested by OA. Since “the time delay” is the delay of presenting the visual cue at the displaying of the second portion, then the combining proposed in OA has in fact the following meaning:

Thus as proposed, *the time delay -- of displaying the visual cue in the second portion -- is implemented at the displaying of the first portion instead at the displaying of the second portion.*

But how can the time delay of displaying the cue in the **second** portion be **instead** implemented in the **first** portion? Not only is it not obvious, it is impossible. The cue is presented at the displaying of the second portion, **not** the first portion. Therefore, the time delay of presenting the cue cannot be possibly “implemented at displaying the first portion”. It is obvious that the combining proposed in OA is logically impossible.

B. The combining proposed in OA (the implementation of time delay) directly contradicts to the proposed motivation (avoiding the time delay).

As already mentioned, OA proposes the following modification of Simonson’s improvement:

Thus as proposed, the time delay is implemented at the displaying of the first portion instead at the displaying of the second portion.” (OA, 7: 21-22, 8: 1-4).

However, the motivation for the combining is indicated as *for avoiding the time delay* (e.g., OA, 4:4). Apparently, a combining **cannot** at the same time *implement* and *avoid* the time delay. Therefore, OA’s claims are logically inconsistent. To eliminate the logical inconsistency one has to acknowledge that applicant’s invention does not implement, in any way, Simonson’s teaching of delay (i.e., Simonson’s improvement).

C. The combining proposed in OA does not include any subject matter of Simonson's improvement.

As shown above, the "combining" proposed in OA completely abandons Simonson's improvement (Simonson's teaching of time delay) rather than combines it with other subject matter. The combining – and, accordingly, applicant's invention -- has nothing to do with Simonson's teaching of delay. Applicant's invention can be summarized as follows:

KAPTELININ: presenting the visual cue **if the previous** portion has been displayed for more than a **predetermined** amount of time -- **no time delays**.

It can be contrasted to Simonson's improvement:

SIMONSON'S IMPROVEMENT: presenting the visual cue **after a time delay -- irrespective of the time of displaying the previous portion**.

Therefore, on the one hand, there is no suggestion in Simonson that the time of displaying the *first* portion can affect whether or not the visual cue is presented at the displaying of the *second* portion. On the other hand, there is no teaching of a delayed display of the visual cue in Kaptelinin. Applicant respectfully submits that **it is obvious to anyone skilled in the art that these two teachings are two different teachings**, and none of them can be considered a combining/modification (much less an *obvious* combining/modification) of the other.

3. OA contains contradictory statements regarding "predetermined amount of time"

In the previous Amendment J applicant provided compelling arguments that Simonson's reference to "previously viewed portion" does not in any way imply

presenting the portion for a *predetermined* amount of time. OA agrees with applicant's arguments:

"In response to the arguments that Simonson's term "previously viewed portion" does not imply displaying the portion for a predetermined amount of time, the applicant's rationale is acknowledged" (OA, p. 5, last incomplete paragraph, and p.6. first incomplete paragraph).

On the other hand, however, OA makes statements that contradict to the above OA statement:

"...the term "previously viewed portion" implies ... i.e. the document portion has been displayed after a **predetermined** amount of time" (OA, 3: 1-3, highlight added).

and

"...since the "previously viewed portion" has been actually displayed for more than a **predetermined** amount of time..." (OA, 3: 21-22, highlight added).

To resolve this logical contradiction, all references to "predetermined" amount of time in the "Claim rejection" section should be eliminated. Applicant respectfully submits that resolving the logical inconsistency will also eliminate grounds for claim rejection.

4. Overcoming specific claim rejections

AS PER INDEPENDENT CLAIMS 3 AND 20

Claim 3 reads as follows:

3. A method of displaying information in a window on a computer system including a display, said window displaying only part of its related information, the method comprising:

providing a window for displaying information; further comprising the step of

providing means for scrolling the window; and

displaying in the window a first portion of its related information; and

scrolling the window to a second portion of its related information, further comprising the step of

causing visual clues, visually distinguishing new information from old information that overlaps from said first portion and has been displayed in the previous view for more than a first predetermined amount of time, to be displayed in the window after scrolling from said first portion to said second portion; and

disabling the distinguishing visual clues after a second predetermined amount of time.

The claim teaches displaying the visual clues in the second portion only if the first portion has been displayed for more than a predetermined amount of time. This subject matter is useful, since it eliminates displaying the clues when they can be confusing to the user. And this subject matter is novel. It is not anticipated by prior art.

As shown in the sections above, nothing can be found in Simonson or generally available knowledge to suggest displaying the visual cue depending on the time of displaying the previously viewed portion. Therefore, the subject matter disclosed in claim 3 is patentable over Simonson and other prior art.

The above arguments regarding claim 3 are also applicable to claim 20.

AS PER DEPENDENT CLAIMS

The Office Action of July 10, 2008, rejected dependent claims 5, 6, 14-18, 24, 26-28 as being unpatentable over US patent 6, 308, 930 (Simonson). Applicant requests reconsideration of this rejection. Applicant submits that the dependent claims incorporate all the subject matter of claims 3 and 20, and add additional subject matter, which makes them a fortiori and independently patentable over Simonson.

5. Claim amendment, claims 5

Claim 5 has been amended to correct a misprint.

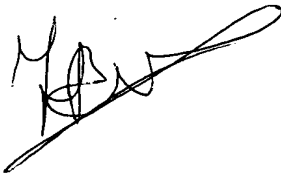
6. Concluding remarks

For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore he submits that this application is now in condition for allowance, which action he respectfully solicits.

7. Conditional request for constructive assistance

If, for any reason, this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



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Certificate of mailing: I certify that on the date below I will fax this document and references attachments, if any, to the Patent and Trademark Office at the following number: **(571) 273-8300**

Date: August 25, 2008

Inventor's signature: 